



UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
DIMARCO ET AL.
APPLICATION NO: 10/773,819
FILED: FEBRUARY 6, 2004
FOR: POLYMORPHS OF AN EPOTHILONE ANALOG

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on October 1, 2001 at Reel/Frame 012285/0367.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,689,802** issued February 10, 2004. Said Patent No. 6,689,802 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which is the same assignment.

Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,689,802 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent

No. 6,689,802, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 13th day of October, 2004 by the undersigned attorney of record.

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
609-252- 3850

Gary D. Greenblatt

Gary D. Greenblatt
Agent for Applicants
Reg. No. 47,609



CASE LD0214 CNT 1

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gary D. Greenblatt
Type or print name

Gary D. Greenblatt
Signature

Oct. 13, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. An additional copy of this paper is here enclosed.

Respectfully submitted,

Bristol-Myers Squibb Company
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P.O. Box 4000
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609-252-3850

Date: *October, 13, 2004*

Gary D. Greenblatt
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